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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,586	06/30/2000	Shmuel Shaffer	M-8509-US	9498
33031	7590	01/14/2005	EXAMINER	
CAMPBELL STEPHENSON ASCOLESE, LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759			ESCALANTE, OVIDIO	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/608,586	SHAFFER ET AL.	
	Examiner	Art Unit	
	Ovidio Escalante	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 and 72-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 and 72-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on November 18, 2004. **Claims 1-44,72-81** are now pending in the present application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/18/2004 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-8,10,18-20,22-29,31,33,39-41,43,44,72,74,76 and 78-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. US Patent 6,501,740 in view of Nielsen US Patent 6,212,268.

Regarding claim 1, Sun teaches a method for joining a meet-me conference call, (col. 3, lines 10-28), said method and system comprising:

presenting an option to specify a conference associated with a meet-me conference call, (col. 9, lines 3-17), in response to user input to an application program co-resident with a terminal, (col. 9, lines 1-10).

Sun does not specifically teach of presenting an option to specify a quorum with the conference call.

In the same field of endeavor, Nielsen teaches of a conferencing system in which a user can set the minimum number of participants needed to establish a conference, i.e. a quorum, (col. 5, lines 21-39). The quorum is established at the time the user registers for the service or at the time the call is scheduled.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the meet-me conferencing method of Sun to include specifying a

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quorum as taught by Nielsen so that the conference scheduler can make sure that at least the minimum number of conferees are going to be present in the conference call.

Regarding claim 22, Sun teaches a system for joining a meet-me conference call, (col. 3, lines 10-28), said system comprising:

means for detecting user input to an application program co-resident with a terminal, (col. 9, lines 1-17); and

means for presenting an option to specify a conference associated with a meet-me conference call, (col. 9, lines 3-17), in response to the user input to the application program co-resident with the terminal, (col. 9, lines 1-10).

Sun does not specifically teach of presenting an option to specify a quorum with the conference call.

In the same field of endeavor, Nielsen teaches of a conferencing system in which a user can set the minimum number of participants needed to establish a conference, i.e. a quorum, (col. 5, lines 21-39). The quorum is established at the time the user registers for the service or at the time the call is scheduled.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the meet-me conferencing method of Sun to include specifying a quorum as taught by Nielsen so that the conference scheduler can make sure that at least the minimum number of conferees are going to be present in the conference call.

Regarding claims 2,23 and 74, Sun teaches wherein the user input further includes: an indication that the user is requesting to join a meet-me conference call, (col. 9, lines 1-20).

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Regarding claims 3 and 24, Sun in view of Nielsen teaches wherein the user input further includes:

an indication that the user is requesting to specify a quorum (col. 5, lines 21-39, Nielsen) at a time selected from the group comprising a time at which a meet-me call is being scheduled, and a time prior to a time at which a meet-me conference call is to transpire, (col. 5, lines 21-39, Nielsen).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the meet-me conferencing method of Sun to include specifying a quorum as taught by Nielsen so that the conference scheduler can make sure that at least the minimum number of conferees are going to be present in the conference call.

Regarding claims 4 and 25, Sun teaches wherein the user input further includes: a telephone number of a conferencing service (col. 6, lines 34-39) and a password for a conference call, (col. 6, lines 50-58).

Regarding claims 5 and 26, Sun teaches wherein the user input further includes: identification of a virtual presence of the user, (col. 5, lines 60-63; col. 6, lines 34-53; col. 7, lines 36-50).

Regarding claims 6 and 27, Sun teaches wherein said identification of the virtual presence of the user further includes:

identification of a connection address comprising a landline telephone number, (col. 6, lines 34-58).

Regarding claims 7 and 28, Sun teaches wherein said identification of the virtual presence of the user further includes:

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identification of a non-media-transport channel-supporting connection address wherein the connection address is a network address, (col. 6, lines 37-39).

Regarding claims 8 and 29, Sun in view of Nielsen teaches wherein said presenting an option to specify a quorum associated with a meet-me conference call further comprises:

presenting an option to specify a quorum (col. 5, lines 21-39, Nielsen) associated with the meet-me conference call via at least one device selected from the group comprising an audio device and a visual device (graphical user interface device), (col. 6, lines 6-33, Sun).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the meet-me conferencing method of Sun to include specifying a quorum as taught by Nielsen so that the conference scheduler can make sure that at least the minimum number of conferees are going to be present in the conference call.

Regarding claims 10 and 31, Sun in view of Nielsen teaches wherein said presenting an option to specify a quorum (col. 5, lines 21-39, Nielsen) associated with a meet-me conference call further includes:

presenting a number of users associated with the meet-me conference call, (col. 7, lines 36-50, fig. 4-Sun; col. 5, lines 21-39-Nielsen).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the meet-me conferencing method of Sun to include specifying a quorum as taught by Nielsen so that the conference scheduler can make sure that at least the minimum number of conferees are going to be present in the conference call.

Regarding claims 12,33 and 76, Sun in view of Nielsen teaches wherein said presenting an option to specify a quorum associated with a meet-me conference call further comprises:

presenting an option comprising specifying that a complete quorum must be present before a MC-CMA (Multipoint Controller-Call Management Application program) establishes a meet-me conference call, (col. 5, lines 21-39, Nielsen).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the meet-me conferencing method of Sun to include specifying a quorum as taught by Nielsen so that the conference scheduler can make sure that at least the minimum number of conferees are going to be present in the conference call.

Regarding claims 18,39 and 80, Sun in view of Nielsen teaches originating a media transport channel from the user's terminal in response to a message indicating that the quorum has been established, (col. 6, lines 6-33; col. 7, lines 51-61; col. 8, lines 10-27-Sun; col. 5, lines 21-39-Nielsen).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the meet-me conferencing method of Sun to include specifying a quorum as taught by Nielsen so that the conference scheduler can make sure that at least the minimum number of conferees are going to be present in the conference call.

Regarding claims 19 and 40, Sun in view of Nielsen teaches presenting notification that the quorum (col. 5, lines 21-39-Nielsen) associated with the meet-me conference call has been established via at least one device selected from the group comprising an audio device and a visual device proximate to the user's terminal, in response to a message indicating that the quorum has been established, (col. 6, lines 6-33; col. 7, lines 36-50).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the meet-me conferencing method of Sun to include

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specifying a quorum as taught by Nielsen so that the conference scheduler can make sure that at least the minimum number of conferees are going to be present in the conference call.

Regarding claims 20 and 41, Sun teaches originating a media transport channel from the user's terminal in response to user input, (col. 7, lines 36-50).

Regarding claim 43, Sun in view of Nielsen teaches a program product comprising:
signal bearing media (col. 8, lines 10-27,33-46) bearing programming adapted to present an option to specify a conference associated with a meet-me conference call, (col. 9, lines 8-13), in response to user input to an application program co-resident with a terminal, (col. 9, lines 12-20).

Sun does not specifically teach of presenting an option to specify a quorum with the conference call.

In the same field of endeavor, Nielsen teaches of a conferencing system in which a user can set the minimum number of participants needed to establish a conference, i.e. a quorum, (col. 5, lines 21-39). The quorum is established at the time the user registers for the service or at the time the call is scheduled.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the meet-me conferencing method of Sun to include specifying a quorum as taught by Nielsen so that the conference scheduler can make sure that at least the minimum number of conferees are going to be present in the conference call.

Regarding claim 44, Sun teaches wherein said signal bearing media is selected from the group comprising transmission media, and recordable media, (col. 9, lines 8-20; abstract).

Regarding claim 72, Sun teaches a method for joining a meet-me conference call, the method comprising:

presenting an option to specify a conference associated with a meet-me conference call, in response to user input to an application program co-resident with a terminal.

Sun does not specifically teach of presenting an option to specify a quorum with the conference call or sending a token which comprises information indicating that the user will wait until the quorum is established.

In the same field of endeavor, Nielsen teaches of a conferencing system in which a user can set the minimum number of participants needed to establish a conference, i.e. a quorum, (col. 5, lines 21-39). The quorum is established at the time the user registers for the service or at the time the call is scheduled. Nielsen further teaches sending a token to a conference manager application, in response to a user selecting the option, wherein the token comprises information indicating that the user will wait until the quorum is established before joining the meet-me conference call, (col. 5, lines 21-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the meet-me conferencing method of Sun to include specifying a quorum as taught by Nielsen so that the conference scheduler can make sure that at least the minimum number of conferees are going to be present in the conference call.

Regarding claim 78, Sun, as applied to claim 72, teaches where the sending the token further comprises: sending the token over a call optimization application channel, (col. 8, lines 10-27).

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Regarding claim 79, Sun, as applied to claim 78, teaches wherein the sending the token over a call optimization application channel further includes: establishing an Internet Protocol channel, (col. 8, lines 33-47).

7. Claims 9,11,13-17,30,32,34-38,75 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun in view of Nielsen and further in view of Eaton et al. US Patent 5,483,588.

Regarding claims 9,11,30,32 and 75, while Sun in view of Nielsen teaches wherein said presenting an option to specify a quorum associated with a meet-me conference call further includes joining the meet-me conference call substantially immediately, (col. 9, lines 12-20), Sun does not specifically teach of the joining the conference call after at least one designated user joins.

Eaton teaches that it was well known in the art to have conferencing system associated with a meet-me conference call including presenting an option to join the conference call after at least one designated user joins the meet-me conference call, (col. 10, lines 17-23; col. 13, lines 21-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun and Nielsen by providing the option of joining the conference call after at least one designated user joins as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and talk in the conference.

Regarding claims 13 and 34, Sun in view of Nieslon and Eaton, as applied above, teach sending a message containing user input to a Multipont Controller Conference Manager Application (MC-CMA), in response to user input specifying the quorum by indicating that the

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user desires to wait for at least one user to either join the meet-me conference call prior to the user joining the conference call, (col. 13, lines 21-39, Eaton).

As shown above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun by providing the option of joining the conference call after at least one designated user joins or is waiting to join as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and talk in the conference.

Regarding claims 14 and 35, Sun in view of Nielsen and Eaton, as applied above, teach wherein the user input specifying the quorum by indicating that the user desires to wait for at least one user to join the meet-me conference call prior to the user joining the conference call further includes:

user input specifying that a complete quorum must be present before the MC-CMA (Multipoint Controller-Call Management Application program) establishes a meet-me conference call, (col. 5, lines 21-39, Nielsen).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun by providing the option of joining the conference call after at least one designated user joins as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and talk in the conference.

Regarding claims 15, 36 and 77, Sun in view of Nielsen and Eaton, as applied above, teach wherein the user input specifying the quorum by indicating that the user desires to wait for at least one user to either join or be waiting to join the meet-me conference call prior to the user joining the conference call further includes:

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user input specifying that the MC-CMA notifies a Terminal-CCMA (Conference Call Manager Application Program co-resident with a terminal) upon detection of at least one designated user joining or being available to join a meet-me conference call, (col. 13, lines 21-39, Eaton).

As taught above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun and Nielsen by providing the option of joining the conference call after at least one designated user joins or is waiting to join as taught and suggested by Eaton so that only designated talkers can determine who is allowed to enter and talk in the conference and so that the designated talkers can be aware of all users who are waiting.

Regarding claims 16 and 37, Sun teaches wherein said sending a message containing the user input to a Conference Manager Application (CMA) further comprises: sending a message over a Call Optimization Application (COA) channel, (col. 8, lines 10-27).

Regarding claims 17 and 38, Sun teaches wherein said sending a message over a Call Optimization (COA) channel further includes: establishing an Internet Protocol channel, (col. 8, lines 33-47).

8. Claims 21,42,73 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun in view of Nielsen and further in view of Eaton and further in view of Jonsson US Patent 6,272,214.

Regarding claims 21,42,73 and 81, while Sun in view of Nielsen and further in view of Eaton teaches of a establishing a meet-me conference system, Sun, Nielsen and Eaton do not

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specifically teach of notifying the user that the quorum has been established or notifying the user via at least a paging service.

Jonsson teaches that it was well known in the art to have a meet-me conferencing system and of presenting notification that a quorum associated with the meet-me conference call has been established via at least a paging messaging service,(col. 3, lines 3-28). Jonsson further teaches that the notification method may comprise a plurality of different types of notification means, (col. 3, lines 3-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sun, Nielsen an Eaton by notifying the users via at least a pager as suggested by Jonsson so that the user can immediately join the conference if they were required to join the conference.

Response to Arguments

9. Applicant's arguments with respect to claims 1-44,72-81 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

220 20th Street S.
Crystal Plaza two, Lobby, Room 1B03
Arlington, VA 22202

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE
PATENT EXAMINER**

Ovidio Escalante

Ovidio Escalante
Examiner
Group 2645
January 7, 2005

O.E./oe